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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): NAI1P451/01.285.01

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on June 12, 2006

Signature: Erica L. Farlow

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Application Number	Filed
10/092,420	03/07/2002

First Named Inventor: M. Nedbal et al.

Art Unit	Examiner
2142	Lin, K.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 41,429
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

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OIPE IAP2
JUN 16 2006
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REMARKS

The Examiner has rejected Claims 1-4, 9-12, 14-21, 26-29, 31-38, 43-46 and 48-54 under 35 U.S.C. 103(a) as being unpatentable over Uszok et al. (U.S. Patent Application No. 2004/0205772) in view of Kouznetsov et al. (U.S. Patent No. 6,931,546). Applicant respectfully disagrees with such rejection.

With respect to each of the independent claims, the Examiner has responded to applicant arguments regarding to applicant's claimed "if said target process is available to said target computer to pass at least a portion of said operation specifying data from said agent process to said target process" (see the same or similar, but not necessarily identical language in each of the independent claims). Specifically, the Examiner has stated that Figure 4, paragraph [0079] lines 1-15, and paragraph [0080] lines 1-8 in Uszok teach that "the plug-in is available to the target computer (botServer) and the plug-ins can be configured so that they have the same ID on every server." The Examiner has further stated that such excerpts teach that "plug-ins can be installed by botServer manager (which is the agent process) [which] communicates with other plug-ins and bots via botServer manager using messages...[such that] the plug-in can be passed from the agent process (botServer manager) to [the] target process (plug-in manager), and both agent, and target processes are performed at the same target computer (botServer)."

After careful review of the Examiner's arguments in association with the excerpts from Uszok relied on by the Examiner, applicant notes that Uszok does not teach passing "at least a portion of said operation specifying data from said agent process to said target process," as claimed by applicant. In particular, applicant notes that the Examiner has relied on the botServer manager in Uszok to meet applicant's claimed "agent process," however, applicant points out that the botServer manager in Uszok only allows plug-ins to communicate with other plug-ins and bots (see specifically paragraph [0079] lines 2-5). Clearly, a botServer manager that only provides a communication channel between plug-ins and other plug-ins and bots does not meet applicant's claimed agent process from which "at least a portion of said operation specifying data [is passed]" (emphasis added).

Furthermore, it seems the Examiner has equated Uszok's "plug-in" with applicant's claimed "operation specifying data," since the Examiner has stated that "the plug-in can be passed from the agent process...to [the] target process." Applicant respectfully points out that, in Uszok, the plug-in itself "perform[s] demanding real-time operations" (see paragraph [0079] lines 13-15), which clearly cannot meet applicant's claimed "operation specifying data" (emphasis added).

In the Advisory Action mailed 04/10/2006, the Examiner has argued that paragraph 0092 in Uszok discloses "the revision of bot configuration or request a progress update are functioning as a portion of operation specifying data." Applicant respectfully asserts that the "heartbeat" relied upon by the Examiner is merely disclosed in a context where the 'botMaster Communication Manager sends the message to the boxBox during the next synchronization "heartbeat".' However, the excerpts from Uszok relied upon by the Examiner still fail to even suggest a technique where "if said target process is available to said target computer to pass at least a portion of said operation specifying data from said agent process to said target process" (emphasis added), as claimed by applicant.

Still with respect to each of the independent claims, the Examiner has relied on paragraph [0079] lines 1-15, paragraph [0083] lines 1-8, and paragraph [0084] lines 1-6 in Uszok to make a prior art showing of applicant's claimed "target process code operable to provide one or more target processes for performing operations in response to operation specifying data, said one or more target processes being provided at said first computer independently of said agent process" (see the same or similar, but not identical language in each of the independent claims).

After reviewing the Examiner's arguments and the related excerpts in Uszok, applicant notes that the Examiner has relied on Uszok's Security Registry to meet applicant's claimed "one or more target processes." Applicant points out, however, that the Security Registry in Uszok only includes lists of data, such that it is only a storage space and not any sort of process, as claimed by applicant. It also seems that the Examiner has again relied on Uszok's

plug-ins to meet applicant's claimed "operation specifying data." As noted above, Uszok's plug-ins perform operations, which clearly cannot meet any sort of operation specifying data, as claimed by applicant.

In addition, the Examiner has relied on paragraph [0144] lines 1-13 in Uszok to make a prior art showing of applicant's claimed technique "wherein said operation performed includes configuring said target computer to execute a computer program." Applicant respectfully asserts that such excerpt only teaches configuring an sBot which is located on a botServer (see Figure 4 and paragraph [0081]), and not a target computer, as claimed by applicant. In particular, applicant notes that the Examiner has previously relied on Uszok's botServer to meet applicant's claimed "target computer" in prior claim limitations including, for example, those argued above. Thus, configuring an sBot cannot meet applicant's claimed "configuring said target computer." Furthermore, the sBot in Uszok is only configured to clone itself and/or migrate to a new server (paragraph [0144]), and is not configured "to execute a computer program," as applicant claims.

Furthermore, with respect to each of the independent claims, the Examiner has relied on Col. 9, lines 59-65 and Col. 12, lines 9-20 in Kouznetsov to make a prior art showing of applicant's claimed techniques "wherein said target process is operable to map configuration data specified within said operation specifying data to a configuration data store of said target computer" and "wherein said configuration data store is one of: a Windows Registry entry; an INI file; a DAPI store; and a database entry." The Examiner has specifically stated that Kouznetsov teaches that the initialization file "corresponds to map the configuration specified within (embedded) said operation using .ini files."

Applicant notes, however, that such excerpts only disclose a configuration file comprising an initialization file embedded within a cabinet file. Clearly, simply disclosing a configuration file comprising an initialization file within a cabinet file does not even suggest mapping, let alone mapping "configuration data specified within said operation specifying data to a configuration data store of said target computer," as applicant claims (emphasis added). In addition, Kouznetsov only teaches that the "received messages identify a

configuration file" (see Col. 9, line 61), but not that "configuration data [is] specified within said operation specifying data," where such operation specifying data is utilized in "configur[ing] said target computer to execute a computer program," in the context claimed by applicant (see each of the independent claims).

In the Advisory Action mailed 04/10/2006, the Examiner has argued that paragraphs 0092 and 0111 in Uszok disclose a technique "wherein said target process is operable to map configuration data specified within said operation specifying data to a configuration data store of said target computer," as claimed by applicant. Applicant respectfully asserts that Uszok merely teaches that "[t]he botBox Manager forwards the message to botBox, e.g., 414, and botBox finds the appropriate sBot." To this end, the excerpts from Uszok simply fail to disclose a technique "wherein said target process is operable to map configuration data specified within said operation specifying data..." (emphasis added), as claimed by applicant. In addition, Uszok suggests that "[t]he configuration block 722 can be used for selecting or configuring a required logical function to be carried out by the logic block 702" which fails to even suggest a technique "wherein said target process is operable to map configuration data specified within said operation specifying data to a configuration data store of said target computer" (emphasis added), as claimed by applicant. Additionally, there is simply no disclosure in the excerpts from Uszok that meet a technique "wherein said configuration data store is one of: a Windows Registry entry; an INI file; a DAPI store; and a database entry," as claimed by applicant.

Still yet, with respect to each of the independent claims, the Examiner has relied on paragraph [0068] lines 3-10 in Uszok to make a prior art showing of applicant's claimed technique "wherein said identifier of a target process includes at least one of: data specifying a computer file operable to trigger said target process; data specifying a communication channel operable to trigger said target process; and data specifying an operating system command operable to trigger said target process." Specifically, the Examiner has stated that such excerpt teaches "using the communication channel to trigger the BotBox initialization."

Applicant respectfully asserts that Uszok only teaches that "establishing a botBox is initiated by the user or prompted by botMaster through the GUI...[and that] a botBox communicator component...[is used] to send a message to request initialization of a corresponding botBox." Clearly, such teachings in Uszok do not even suggest "data specifying a communication channel" (emphasis added), especially since Uszok only generally teaches that the botBox proxy "utilizes a...botBox communicator component." Furthermore, when read in the appropriate context, applicant's claimed "identifier of a target process" is "read from said operation specifying data." Simply nowhere does Uszok teach "data specifying a communication channel" that is read from operation specifying data, in the specific context claimed by applicant.

Further, with respect to the independent claims, the Examiner has simply reiterated the arguments made in the last Office Action in rejecting applicant's claimed technique "wherein said result data includes data specifying existing configuration data of said target computer." Applicant again respectfully asserts that paragraph [0014] line 11 from Uszok only teaches an mBot located on a client side that implements XML. Simply nowhere in such excerpt is there even a suggestion of any sort of "operation specifying data," let alone "operation specifying data [that] is passed from said initiating computer to said target computer as XML data," as claimed by applicant (emphasis added).

Additionally, with respect to the independent claims, the Examiner has relied on paragraph [0100] lines 1-15 in Uszok to make a prior art showing of applicant's claimed technique "wherein said target process is operable to map said existing configuration data of said target computer stored within said configuration data store of said target computer to said result data to be returned to said initiating computer." Applicant respectfully asserts that such excerpt merely teaches that "the portable program assigns to its mBots one of the user profiles made available on the shared botBox." Clearly, the user profiles in Uszok are only being used with respect to the target computer to which the mBots are assigned, and are not utilized by being mapped "to said result data to be returned to said initiating computer," as claimed by applicant (emphasis added).